

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER	NUMBER			YR.	NUMBER
1085/4	76	0101	03	09	76	4	190	5	2:1		14		8509			76	0101-B

## PLAINTIFFS

(1086/6)

## DEFENDANTS

HARTFORD ACCIDENT AND INDEMNITY  
COMPANY

BOARD OF COUNTY COMMISSIONERS OF  
ROGERS COUNTY

## CAUSE

Breach of Contract

## ATTORNEYS

Stephen Peterson  
ROBERT J. PETRICK  
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Box 1638  
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405/235-4671

SIDNEY D. WISE, District Attorney  
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341-3164

LARRY D. STUART, Assistant Dist. Atty.  
District Attorney's Office  
Craig County Courthouse  
Vinita, Oklahoma 74301  
918/256-3320

as of 5-7-79:

Rick Sitzman  
Assistant District Atty  
Rogers County Courthouse  
Claremore, OK 74017  
1-341-3164

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	4-1-76(2-1-78)
				JS-6	10-1-77(11-1-78)

DATE '76	NR.	PROCEEDINGS
3-9	1.	cc of Order for Transfer of case from U.S. Dist. Ct., E.D. of OK, to U.S. Dist. Ct., N.D. of OK, filed. (Joseph W. Morris, Judge)v
3-9	2.	cc of Civil Docket Sheet, filed. v (Entries shown below)

75-305-C

DATE	NR.	PROCEEDINGS
10/30/75		COMPLAINT.
10/30/75		Prae. for summons.
10/30/75		Issuing summons
11/3/75		Marshal's Ret. on summons: Averd Dye, member of Board of County Comm., Rogers County served 10-31-75; George H. Lamberson, member of Board of County Comm., Rogers County, served 10-31-75 Taylor Faulkner, member of Board of County Comm., Rogers County served 10-31-75, all at Claremore, Oklahoma by serving Charles Alton, County Clerk for Rogers County, Okla.
1/30/76		Motion of plaintiff for transfer to the U. S. District Court for the Northern District of Oklahoma. (Entitled "Joint Motion")
3/5/76		Response of defendant to motion to transfer.
6-17	MO	Case set for disposition on 7-12-76, 11:00 a.m. for failure of Deft. to answer, due 3-14-76. (AEB-J)b ntc by cert ml
6-25	3.	Deft's Answer, filed. b
6-25	MO:	Case is stricken from disposition docket of 7-12-76. (AEB-J)b ltr mld
10-18	MO:	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml
11-11	4.	Deft's application for ext. of time to conduct pre-trial, filed.s O to J
11-12	5.	Order, filed, that the above case shall be set for pre-trial on 12-15-76.s (AEB-J) cps. mld.
1977		
1-13	6.	Pltf's requests for admissions, filed.s
1-13	7.	Pltf's interrogatories to deft, filed.s
1-18	MO	Case set for disposition on 2-1-77 at 10:30 a.m. for failure of parties to file pre-trial order.s (AEB-J) ntc. by cert. ml.
2-1		Case called for disposition for failure of parties to file PTO. Pltf. rep. Ct. grants parties 15 days from this date to file PTO. (AEB-J)b
2-24	8	Pltf. Hartford Accident and Indemnity Co. appl. for ext of time w/in which to file PT conference Order fld O to J. ho
3-1	9	Order, fld. granting pltf. ext of time until 3-3-77 to file PT order. (AEB-J) cps mld. ho
3-17	10	Pltf mot. for S/J. fld. ho
3-17	11	Brief in supp of pltf mot for S/J. fld. ho
3-17	MO	It is ordered by the Ct that the deft file a responsive brief w/in 10 days to Pltf. mot for S/J. (AEB-J) cps mld. ho

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Hartford Accident & Indemnity		Board of County Comm. of Rogers County	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
4-1	12	Deft. answer to request for admissions. fld. ho	
4-1	13	Deft. answers to the Pltf. interrog. fld. ho	
4-1	14	Deft. appl. for additional time to file response. fld. O to J. ho	
4-7	15.	Pre-Trial Conference Order, filed. (AEB-J)k cps mld	
4-7	16.	Order, filed, granting deft. 20 days to file response to pltf's mot. for S/J. (AEB-J)k cps mld	
5-12	17	Deft. appl. for additional time to file response to Pltf. mot for S/J. fld. ho O to J.	
5-19	18	Order, fld. granting Deft. an ext. of time until 6-8-77 to file a response to Pltfs. mot. for S/J. (AEB-J) cps mld. ho	
7-26	19	Deft's appl. for 20 days to respond to pltf's mot. for S/J, filed.k	
7-26	MO	The Court has for consideration the mot. of deft. for 20 days to respond to pltf's mot. for S/J and finds that same should be granted. IT IS SO ORDERED. (AEB-J)k cps mld	
8-26	MO:	Case set for disposition for failure of deft. to file response to pltf's motion for summary judgment on 9-8-77, at 10:00 A.M. (AEB-J)b nts ml cert	
9-7	MO	Case stricken from disposition docket of 9-8-77 at 10:00 a.m. pending settlement. (AEB-J)k ntc by phone to Wise <i>→ to call other parties</i>	
9-30	MO	IT IS ORDERED that judgment is entered in favor of the pltf. and against the deft. in the amount prayed for, subject to the conditions to be set forth in the Judgment to be hereinafter filed. (AEB-J)k cps mld	
12-28	20	Pltf's supplement to mot. for S/J, filed. Affidavit of J. Haskell Askeu offered as supplement to the Answers to Interrogs. & Request for Admissions.k	
12-30	MO	Deft. is ordered to file a response w/in 10 days to pltf's supplement to mot. for S/J. (AEB-J)k cps mld	
1978			
1-4	MO	Upon advice of counsel that the settlement heretofore entered into has not been consummated, IT IS ORDERED that this case be reopened. (AEB-J)k	
1-20	MO	Case set for disposition on 2-1-78 at 10:00 a.m. for failure of deft. to respond to pltf's supplement to mot. for S/J. (AEB-J)k ntc by cert ml	
2-1		Case called for disposition for failure of deft. to respond to Pltf's supplement to motion for summary judgment, before Mag. Rizley, upon order of the Court. Deft. co. Wise pres. Mag. recommends referral of motion for S/J to Mag. for hearing. on motion docket of 2-21-78. Any response to be filed w/in 1 week from this date. (RSR-Mag) b	
2-2	MO:	Pursuant to T. 28, USCA, Sec. 636 & Misc. No. 128, IT IS ORDERED that the Motion for summary judgment be referred to Mag. Robert Rizley for Findings & Recommendations. (AEB-J)b nts 2-3-78	
2-10	MO	Case set for hrg. before Mag. on pltf's mot. for S/J on 2-21-78 at 4:00 p.m. (RSR-Mag)k ntc by ho	
2-15	21	Deft. response to Pltfs. mot. for S/J, w/affid. of Averd Dye, fld. ho	
2-21	Min	Case called for hrg. before Mag. on pltf's mot. for S/J. Parties represented. Mag. recommends mot. be sustained as to liability and overruled in part. Parties agree to have case referred to Mag. for non-jury trial on 4-13-78 at 9:30 a.m. Mag. to prepare F&R. (RSR-Mag)k	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE _____ OF _____ PAGES
DATE 1978	NR.	PROCEEDINGS	
2-24	MO	By agreement of parties, IT IS ORDERED that this case be referred to Mag. Rizley pursuant to M-128 and 28 USCA §636 et seq. for non-jury trial. (AEB-J)k	
3-28	22	Pltf. not. to take depo. of J. Haskell Askew on 4-3-78 in OKC. fld. ho	
4-13		Deposition of J. Haskell Askew, filed in open court.b (Pltf. Ex. 2)	
4-13		Case called for non-jury trial before Mag. Rizley. Parties present & announce ready. Pltf. makes opening opening statement & presents case in chief; witnesses sworn & testify. Pltf. rests. Deft. makes opening statement & presents case in chief; witnesses sworn & testify. Deft. rests. Pltf. presents rebuttal evidence; witness testifies. Parties rest and closing arguments made. Case is taken under advisement. Each party is given 20 days to submit proposed Findings of Fact & Conclusions of Law to the Court.(RSR-Mag) b	
4-21	23	Findings & Recommendations of the Mag. re hrg. of 2-21-78, fld. Recommends pltf's mot. for S/J be sustained on issue of liability & overruled on issue of damages. (RSR-Mag)k cps mld	
5-2	MO	The parties are granted 15 days from 5-3-78 to submit proposed F/F & C/L. (RSR-Mag)k cps mld by KT	
5-3	24	Order, filed, sustaining pltf's mot. for S/J on the issue of liability & overruling motion on the issue of damages. (AEB-J)k cps mld	
9-15	25.	Findings of Fact, Conclusions of Law, & Recommendation of the Mag., filed. Mag. recommends that judgment be entered in favor of the pltf. & against the deft. in the sum of \$14,270.00, together w/ pltf's costs. (RSR-Mag)k cps mld	
10-13	26	Order, fld. It is ordered that judgment be entered in favor of the Pltf. & against the Deft. in the sum of \$14,270.00 together with Pltfs. costs incurred herein. (AEB-J)ho c/m	
10-13	27	Judgment, fld. & entered, It is ordered that judgment be entered in favor of the Pltf. Hartford Accident & Indemnity Co. & against the Deft. Bd. of Co. Comm. of Rogers Co., in the sum of \$14,270.00 together with Pltfs. costs incurred herein. (AEB-J)ho c/m	
3-23-79		Clerk's Judgment Claim issued to Averd Dye, Treasurer, Rogers County, Claremore, Ok. g	
3-30-79	28	Pltf. appl. for order directing the judgment debtor, Bd. of Co. Comm. of Rogers County, to satisfy the judgment taken in favor of the Pltf. from the sinking fund of said County. fld. ho	
3-30-79	29	Pltf. brief in supp. of appl. for order directing satisfaction of judgment taken against the judgment debtor, Bd. of Co. Comm, Rogers County, fld. ho	
5-7-79	MO:	Ordered that deft file a resp. brief on or before 5-20-79 to pltf's applic/order directing judgement debtor to satisfy judgement taken in favor of pltf from sinking fund.(HDC-J)ra cps mld	
5-29-79	30	MOTION of Deft. to ans. the appl. for order directing satisfaction of Judgment out of time. ho O to J. original ans. attached w/brief	
5-29	31	ORDER granting deft's mot. file out of time on or before 5-30-79. (HDC-J)lm copy mld by mvt.	

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Hartford Accident & Indemnity		Bd.of Cty.Commrs, Rogers County	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1979</u> 5-29	32	ANSWER to appli. for order directing satisfaction of judgment.lm	
5-29	33.	BRIEF in support of def't's answer to appli. for order directing satisfaction of judgment.lm	
6-11	34.	ORDER that pltf's appl. for Order directing judgment debtor to satisfy judgment is denied w/out prejudice to renewal if & when it becomes apparent that the statutes here involved have not been complied with. (HDC-J)k cps mld	
<u>1980</u> 8-5	--	EXHIBITS returned to parties. hm	

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